

EXHIBIT 5

From: [Sudhakar Vidiyala](#)
To: [Vasu Sabbella](#)
Subject: FW: Ascent - pending quota applications
Date: Monday, September 25, 2023 9:39:08 AM
Attachments: [image001.jpg](#)

Thank You,

Sudhakar Vidiyala

From: Strait, Matthew J. [mailto:Matthew.J.Strait@dea.gov]
Sent: Monday, April 17, 2023 2:28 PM
To: sudhakar@ascentpharm.com
Cc: Harper-Avilla, Stacy <Stacy.Harper-Avilla@dea.gov>
Subject: Ascent - pending quota applications

Good afternoon Mr. Vidiyala,

I am in receipt of your recent emails like the one below regarding Ascent's pending quota applications.

As part of its decision-making regarding Ascent's request for a procurement quota(s), DEA has required additional information which may be helpful in detecting or preventing diversion. DEA is aware that Ascent has provided, as recently as January 2023, certain information as part of the ongoing investigation being conducted by the DEA New York Division Office. Rather than burden Ascent with a request for additional information pursuant to 21 CFR 1303.12(b) that would result in duplicative production by Ascent, DEA is reviewing the information that Ascent has already provided in the separate NY Division Office investigation to determine whether that information can address DEA's needs relating to the quota determination.

Should DEA determine that it needs further information pursuant to 1303.12(b), DEA will contact Ascent.

Sincerely,
Matthew Strait
Deputy Assistant Administrator
DEA Diversion Control Division

From: Sudhakar Vidiyala <sudhakar@ascentpharm.com>
Sent: Wednesday, April 12, 2023 9:39 AM
To: Strait, Matthew J. <Matthew.J.Strait@dea.gov>; Harper-Avilla, Stacy <Stacy.Harper-Avilla@dea.gov>
Subject: [EXTERNAL] Quota application

Dear Matthew,

I am trying to reach you on clarification or solution from you the ongoing quota issue with Ascent since more than a year. I know my attorney is working with chief counsel office, but if there is any miscommunication or misunderstanding happening, need clarity from you. Since more than 200 employees' jobs are at risk, approached county executives for assistance. Suffolk county executives reached out DEA with concern of saving jobs and get speedy resolution. DEA informed that ascent need to submit response and DEA is waiting for ascent response. As per our records and communication with DEA, nothing is pending from Ascent. In fact, Ascent repeatedly requested DEA for any pending items that are open, but never came back and confirmed from chief counsel office that nothing is pending. We are surprised to hear from DEA, that they are waiting for Ascent response. We don't know how to react on this. Ascent was built over 10 years' period with excellent track record with both FDA and DEA, spent more than 200 million on facilities and in R&D. Company is 70% depended on CII products and DEA abruptly stop issuing quota without any signs of warning or any valid reason. Company is in shutdown situation and more 200 employees and their families are in jeopardy not knowing the future of their jobs.

Because of delays following damages incurred:

- We lost 60-70 employees so far, because of lack of work
- Employees taking 40% less pay check, because of overtime, bonus and raises
- Lost all supply contracts with retails like CVS, Walgreen etc
- Ascent ran out of funds from different sources including overdraft protection
- Till now received 6 million of failure to supply from retails because of contractual obligation to supply the product
- All R&D activities are stand still because of no material available to conduct research
- FDA approvals are delayed because of pending responses to FDA due to lack of materials
- Financial crisis to Ascent due to loss of 70% revenues

Further delays of quota will incur following:

- Will be losing 200+ employees
- New launches delays, reduces affordability to patients
- Additional potential failure supply penalties
- Financial pressure from banks and other financial institutions to fulfill obligations, leading to shut down the company

Please note that Ascent is trying to cooperate with agency at every aspect. Ascent responded to agencies finding with supporting documents and we don't see any product diversion issues. Any effort that Ascent made is to get the quota decision early, not to complicate any issue or not to question the agency rights. As proactive step as communicated to local DEA, we are implementing customized software to manage data readily available in desired format in much faster than paper along with body scanner to avoid any product theft, in addition to existing controls. We are happy to implement any recommendation made by agency to improve systems and procedures for better compliance

I am happy to communicate directly with you to avoid any miscommunication or to avoid any misunderstanding. Its question of company survival, which was built over 10 years' period. I

appreciate your intervention to give direction to move forward. Since we don't see any product diversion issues, we request you to issue quota immediately to avoid shut down situation. I appreciate your prompt response

Thank You,

Sudhakar Vidiyala

Sudhakar Vidiyala

CEO & President



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